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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 RON JOHNSON,

No. C-10-02505 EDL

12 Plaintiff,

**ORDER RE: PLAINTIFF'S MOTION TO  
STAY IN NORTHERN DISTRICT OF  
CALIFORNIA**

13 v.

14 BRITISH PETROLEUM OF AMERICA,

15 Defendant.  
16 \_\_\_\_\_/

17 On January 2, 2011, Plaintiff filed a Motion to Stay in the Northern District of California, in  
18 which he argues that this case should not be transferred to the Eastern District of Louisiana as part of  
19 the Multi-District Litigation proceedings related to the Deepwater Horizon incident. The Court will  
20 not consider Plaintiff's motion because it is, and should be, directed to the Judicial Panel on Multi-  
21 District Litigation for resolution. The Court urges Plaintiff to take steps to ensure that the Judicial  
22 Panel on Multi-District Litigation is aware of his motion by filing it with the Panel.

23 On January 6, 2011, Defendant sent a letter to the Court informing it of the status of this case  
24 in connection with the Multi-District Litigation in the Eastern District of Louisiana. Defendant shall  
25 inform the Court no later than three days after the Judicial Panel on Multi-District Litigation makes  
26 its decision on whether to transfer this case.

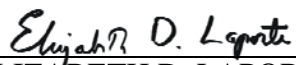
27 The Court notes that the court clerk has declined Plaintiff's three requests to enter default.  
28 The Court is informed that default was declined the first time because there was no return of service  
showing service on Defendant, the second time because there was no identification of the party

1 served, and the third time because Federal Rule of Civil Procedure 4 and California Code of Civil  
2 Procedure section 416.10 require that service be made either to an officer of the corporation or a  
3 designated agent for service and the proof of service did not specify the capacity of the signatory  
4 with the corporation. The Court is aware that because the Court granted Plaintiff's Application to  
5 Proceed In Forma Pauperis, the responsibility for service of the summons and complaint falls to the  
6 United States Marshal's Service.

7 If he has not done so already, Plaintiff should visit the Legal Help Center at 450 Golden Gate  
8 Avenue, 15th Floor, Room 2796, San Francisco, CA 94102, where help is provided by appointment  
9 only. To make an appointment, either sign up in the appointment book on the table outside the door  
10 of the Center, located on the 15th floor of the federal courthouse in San Francisco, Room 2796 or  
11 call (415) 782-9000, extension 8657. The Court also urges Plaintiff to obtain the Pro Se Handbook,  
12 which is available from the clerk's office on the 16th floor at the federal building at 450 Golden  
13 Gate Avenue, or on the Court's website ([www.cand.uscourts.gov](http://www.cand.uscourts.gov)), if he has not done so already.

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15 **IT IS SO ORDERED.**

16 Dated: January 11, 2011

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18 ELIZABETH D. LAPORTE  
19 United States Magistrate Judge  
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